

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

NAOMI HERRERA-CASTRO, ) No.  
 )  
 Plaintiffs, )  
 )  
 -against- ) COMPLAINT  
 )  
 TRABAJAMOS COMMUNITY HEAD START, )  
 INC., )  
 )  
 Defendant. )  
 )

---

Plaintiff, NAOMI HERRERA-CASTRO ("Ms. Herrera-Castro" or "Plaintiff"), by and through her attorneys Levine & Blit, PLLC, complaining of defendant TRABAJAMOS COMMUNITY HEAD START, INC. ("Trabajamos" or "Defendant"), hereby alleges:

**NATURE OF THE ACTION**

1. This civil action is brought to remedy unlawful retaliation for engaging in a protected whistle blowing activity in violation of Section 1553 of American Recovery and Reinvestment Act ("ARRA").
2. Plaintiff seeks the following redress: (1) declaratory and injunctive relief; (2) recovery of past and future economic losses caused by Defendant's unlawful activity; (3) compensatory damages as a result of severe emotional distress, mental anguish, humiliation, and harm to reputation caused by Defendant's unlawful actions; (4) an award of punitive damages; (5) an award of Plaintiff's

reasonable attorney's fees; (6) an award of costs of this action; and (7) any such other and further relief deemed just and equitable by this Court.

**JURISDICTION AND VENUE**

3. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1331.
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, as a substantial part of the events giving rise to Plaintiff's claims occurred in the Eastern District of New York.
5. Plaintiff has exhausted her administrative remedies pursuant to the ARRA by filing a complaint with the appropriate Inspector General, who declined to provide relief and has closed its case.

**THE PARTIES**

6. Plaintiff is a fifty-one (51) year-old natural person who resides in Bronx County, State of New York.
7. Trabajamos is a not-for-profit corporation organized and existing in the State of New York with its principal place of business located at 940 East 156th Street, Bronx, New York.
8. Trabajamos provides Head Start programming to children in Bronx County, State of New York.

9. As a provider of Head Start programming, Trabajamos received funding through the ARRA at all times relevant to this Complaint.

10. At all times relevant to this Complaint, Defendant was an “employer” within the meaning of applicable federal statutes.

11. At all times relevant to this Complaint, Plaintiff was an “employee” of Defendant within the meaning of federal statutes.

### **FACTUAL ALLEGATIONS**

12. Plaintiff worked for Trabajamos from January 1986 through December 6, 2013; most recently holding the title and duties of the Executive Director.

13. As Executive Director, Ms. Herrera-Castro’s direct superiors were the Board of Directors for Trabajamos, which consisted of Donald Antonetty (“Mr. Antonetty”), Sandra Martinez (“Ms. Martinez”), Paul Block (“Mr. Block”), and Nilda Lont (“Ms. Lont”).

14. In or about November 2013, Ms. Herrera-Castro found evidence that some, if not all, of the members of the Board of Directors were engaged in fraud or waste in that false invoices had been submitted to Trabajamos by family and friends of the Board of Directors and payment had been rendered to these individuals.

15. Ms. Herrera-Castro immediately and repeatedly requested a special Board meeting to address the fraud and waste, which was initially denied.

16. On or about December 5, 2013, the Board of Directors granted Ms. Herrera-Castro a meeting with the Board of Directors.

17. At the meeting on December 5, 2013, Ms. Herrera-Castro raised her concerns and complaints about the fraudulent activity and waste of funds to the Board of Directors.

18. At this meeting, Ms. Herrera-Castro was met with hostility and the Board of Directors refused to act on the information Plaintiff had provided.

19. The next day, on December 6, 2013, Plaintiff was summarily terminated by the Board of Directors by email.

**FIRST CAUSE OF ACTION AGAINST DEFENDANT  
(Retaliation in Violation of Section 1553 of the ARRA)**

20. Plaintiff hereby repeats and realleges each allegation contained in paragraphs numbered 1 through 19, as if fully set forth herein.

21. Plaintiff engaged in a protected activity when she complained to Board of Directors about its fraudulent and wasteful conduct concerning funds received pursuant to the ARRA.

22. As a direct result of Plaintiff's opposition to Defendant's unlawful conduct,

Plaintiff was subjected to an adverse employment action when she was terminated.

23. For the reasons alleged herein, a causal connection existed between Plaintiff's opposition to Defendant's unlawful practices and the adverse employment action taken against Plaintiff.

24. As a result of Defendant's unlawful actions, Plaintiff has suffered past and future economic losses; has suffered severe emotional distress, mental anguish, humiliation, and loss of reputation; and has incurred attorney's fees and costs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment containing the following relief:

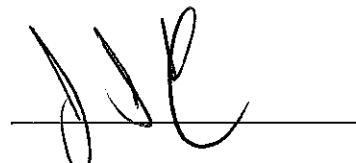
- a) An order declaring that Defendant has violated the anti-retaliation provisions of the ARRA;
- b) An order enjoining Defendant from engaging in the unlawful activities alleged above;
- c) An order awarding monetary damages for Plaintiff's economic losses, including back pay and front pay;
- d) An award of compensatory damages to compensate Plaintiff for the severe emotional distress, mental anguish, humiliation, and loss of reputation caused by Defendant's retaliatory actions;
- e) An award of punitive damages;
- f) An award of Plaintiff's reasonable attorney's fees;
- g) An award of the Plaintiff's costs of the action; and
- h) Any such other and further relief this Court deems just and equitable.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Dated: November 24, 2015  
New York, New York

LEVINE & BLIT, PLLC



Justin S. Clark (JC7795)  
*Attorneys for Plaintiff*  
350 Fifth Avenue, Suite 3601  
New York, NY 10118  
Phone: (212) 967-3000  
Fax: (212) 967-3010  
jclark@levineblit.com